



PUBLIC NOTICE

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International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12 and 63.20 of the Commission's rules. 47 CFR §§ 63.12, 63.20.

Unless otherwise noted, these grants authorize the applicants to: (1) become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22 and/or a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (2) assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (3) exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, in regard to the grant of any of these applications may be filed within 30 (thirty) days of this public notice. See 47 CFR § 1.4(b)(2).

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 07/17/2023

On December 30, 2022, DOCOMO Pacific, Inc. (DPAC or the Petitioner) filed a letter notifying the Commission that DPAC was no longer in compliance with its current foreign ownership ruling pursuant to section 1.5004(f) of the Commission's rules. 47 CFR § 1.5004(f). On January 23, 2023, the Petitioner filed a petition for a new declaratory ruling (Petition) pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), and section 1.5000(a)(1) of the Commission's rules, asking the Commission to find that the public interest would not be served by prohibiting the foreign ownership of DPAC's controlling U.S. parent, DOCOMO Guam Holdings, Inc. (DGH), above the 25% benchmarks in section 310(b)(4) of the Act. 47 U.S.C. § 310(b)(4); 47 CFR § 1.5000(a)(1). On May 17, 2023, the Petitioner filed a revised and restated petition for a new declaratory ruling (Restated Petition) pursuant to section 310(b)(4) of the Act. We received no comments on this request.

According to the Restated Petition, DPAC, a corporation organized under the laws of Guam, is a provider of voice and Internet service in Guam and the Commonwealth of Northern Mariana Islands. DPAC holds the following types of radio authorizations to which section 310(b) is applicable: AWS-3, AWS-1, Cellular, Paging, Common Carrier Fixed Point to Point Microwave, PCS Broadband, 700 MHz Lower Band, and Wireless Communications Service. DPAC is wholly owned by DGH, a Guam corporation, which is a wholly owned subsidiary of NTT DOCOMO, INC. (NTT DOCOMO), a Japanese corporation. NTT DOCOMO itself is wholly owned by Nippon Telephone and Telegraph (NTT), a Japanese corporation publicly traded on the Tokyo Stock Exchange.

In 2021, the Commission issued a foreign ownership ruling to DPAC, finding that the public interest would not be served by prohibiting 100% aggregate foreign ownership of DPAC's controlling U.S. parent, DGH. International Authorizations Granted, Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000), Public Notice, ISP-PDR-20210128-00002, 36 FCC Rcd 16821, 16822 (IB 2021) (2021 Ruling). The 2021 Ruling specifically approved direct and indirect foreign equity and/or voting interests in DGH as follows: (1) NTT DOCOMO to hold up to and including 100% equity and voting interests; (2) NTT to hold up to and including 100% equity and voting interests; and (3) the Japan Ministry of Finance, a Japanese government entity, to hold up to and including a 33.93% interest, with advance approval to acquire up to a non-controlling 49.99% indirect equity and/or voting interest in DGH and DPAC.

Subsequent to the 2021 Ruling, the Master Trust Bank of Japan, Ltd. (MTB) increased the shares of NTT that it holds on behalf of its clients on the open market and now holds a 11.24% interest in NTT. Consequently, DPAC seeks a new declaratory ruling for specific and advance approval of MTB's voting and equity interests in NTT. In its Restated Petition, DPAC explains that MTB is a Japanese trust bank that administers investment accounts for its clients. DPAC further notes that all beneficial interest in and to the shares is held by MTB's multiple account holders, and MTB's role with respect to the shares is that of an administrative agent, with voting rights distributed among multiple account holders. DPAC seeks specific approval for MTB's 11.24% equity and voting interests in NTT, with advance approval up to a non-controlling 49.99% equity and/or voting interests.

We find that the public interest would not be served by prohibiting foreign ownership of DPAC in excess of the 25% benchmarks in section 310(b)(4) of the Act. We, therefore, grant the Restated Petition subject to the conditions set out herein.

This ruling authorizes 100% aggregate foreign ownership equity and voting interest in DGH, as the controlling U.S. parent of DPAC, subject to the terms and conditions set out herein and those set forth in section 1.5004 of the Commission's rules, including the requirement to obtain prior Commission approval before indirect foreign ownership of DPAC exceeds the terms and conditions of this ruling. 47 CFR § 1.5004.

Pursuant to section 1.5001(i) of the Commission's rules, we grant the Petitioner's request to permit the following foreign-organized entities to hold, directly and/or indirectly, equity and/or voting interests in DPAC's controlling U.S. parent, DGH, as follows:

NTT DOCOMO, Inc. (100% equity and voting) (Japan);

Nippon Telephone and Telegraph Corporation (100% equity and voting) (Japan);

Japan Ministry of Finance (33.86% equity and voting) (Japan); and

Master Trust Bank of Japan, Ltd. (11.24% equity and voting) (Japan).

Pursuant to section 1.5001(k) of the Commission's rules, 47 CFR § 1.5001(k), this ruling also grants advance approval for Master Trust Bank of Japan, Ltd. and the Japan Ministry of Finance to acquire up to a non-controlling 49.99% indirect equity and/or voting interest in DGH. 47 CFR § 1.5001(k).

Grant of the 2021 Ruling was conditioned on compliance by DPAC with the commitments and undertakings set forth in the October 20, 2021, Letter of Agreement from James W. Hofman, II, Chief Legal Officer, Docomo Pacific, Inc., to Chief, Foreign Investment Review Section (FIRS) and Deputy Chief, Compliance and Enforcement (FIRS), on behalf of the Assistant Attorney General for National Security, Department of Justice (2021 LOA). See 36 FCC Rcd at 16822. DPAC states that as part of the 2021 Ruling, the relevant Executive Branch agencies (Agencies) reviewed DPAC's foreign ownership including the then 5.52% ownership interest in NTT by MTB and that based on that review, DPAC entered into the 2021 LOA. DPAC acknowledges that it is still subject to the 2021 LOA, confirms that it remains in compliance with its terms, and requests that the Commission's grant of the Restated Petition be conditioned on continued compliance with the 2021 LOA.

The Commission has discretion whether to refer section 310(b) petitions for declaratory ruling to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of petitioners. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC 10927, 10935-36, para. 24 (2020) (Executive Branch Review Order); 47 CFR § 1.40001. We exercised our discretion and did not formally refer the Restated Petition to the Agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Petitioner because the Agencies were aware of the MTB ownership when they reviewed DPAC's ownership for the 2021 Ruling, and DPAC stated that it remains in compliance with its terms and requests that the Commission's grant of the Restated Petition be conditioned on continued compliance with the 2021 LOA. While we did not formally refer the Restated Petition, we did provide a courtesy copy of the Public Notice to the Agencies. Executive Branch Review Order, 35 FCC Rcd at 10939, para 30, n.81.

We condition our grant of the Restated Petition on DPAC's continued compliance with the commitments and undertakings set forth in the 2021 LOA.

DPAC has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent with the principles enunciated by the Commission, including the standards and criteria set forth in sections 1.5002 through 1.5003 of the Commission's rules and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act. 47 CFR §§ 1.5002-1.5003; 47 CFR § 1.5004, Note to paragraph (a). A failure to comply and/or remain in compliance with any of these requirements shall constitute a failure to meet a condition of this ruling and the underlying licenses and thus grounds for declaring them terminated without further action on the part of the Commission. Failure to meet a condition of this ruling may also result in monetary sanctions or other enforcement action by the Commission.

Grant of this declaratory ruling is without prejudice to the Commission's action on any other related pending application(s).

ITC-214-20230509-00057 E Ameraconnect Telecom LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 07/14/2023

Ameraconnect Telecom LLC (Ameraconnect) filed an application for authority to provide facilities-based services in accordance with section 63.18(e)(1) and resale services in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(1), (2).

Ameraconnect, a Kansas limited liability company, is 100% owned by Ronald LaRoe, a U.S. citizen.

ITC-214-20230517-00063 E Ozark Fiber, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 07/14/2023

Ozark Fiber, LLC (Ozark Fiber) filed an application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(2). On June 20, 2023, Ozark Fiber filed a Supplement to its application.

Ozark Fiber is a Missouri limited liability company. ABD Opportunity Zone Fund, LLC (ABDOZ), a Delaware entity, holds a 89.95% direct interest in Ozark Fiber. ABDOZ, in turn, is held as follows: (1) The Andrew B. Davis Irrevocable Trust dated March 22, 2019 (ABD Trust), an Illinois entity (92.3% interest) and (2) The Katherine J. Davis Irrevocable Trust dated March 22, 2019 (KJD Trust), an Illinois entity (7.7% interest). Katherine J. Davis is the Trustee of the ABD Trust, and its beneficiaries are the descendants of Andrew and Katherine Davis, both U.S. citizens. Andrew B. Davis is the Trustee of the KJD Trust, and its beneficiaries are the descendants of Andrew and Katherine Davis. Andrew B. Davis also holds a 0.05% direct interest in Ozark Fiber. Jason L. Ross, a U.S. citizen, holds a 2% direct interest in Ozark Fiber and an 8% profits interest that will convert to direct ownership of Ozark Fiber over the next four years in 2% annual increments.

SURRENDER

ITC-214-20000504-00275 BroadRiver Communication Corporation
By letter dated July 14, 2023, BroadRiver Communication Corporation notified the Commission that it surrendered its international section 214 authorization effective July 13, 2023.
ITC-214-20110506-00124 Appia Communications, Inc.
By letter dated July 14, 2023, Appia Communications, Inc. notified the Commission that it surrendered its international section 214 authorization effective July 13, 2023.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List is maintained in the FCC Reference Information Center and is available at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>. It is also attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of section 63.10 of the rules.

(4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in section 63.23(d) of the rules, 47 CFR § 63.23(d).

(5) Carriers shall comply with the "No Special Concessions" rule, section 63.14, 47 CFR § 63.14.

(6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 CFR Part 61. Carriers shall not otherwise file tariffs except as permitted by section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in section 61.3, and providing detariffed international services pursuant to section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in sections 42.10 and 42.11.

(7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).

(8) Any U.S. Carrier that owned or leased bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.

(9) Carriers should consult section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.

(10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of section 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under section 63.10 of the rules for the provision of such service on a particular route and (ii) is

affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. see 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

(15) Each carrier shall notify the Commission of any change in its contact information. Such notification shall be filed in the file number(s) for the international section 214 authorization(s) through the International Communications Filing System (ICFS).

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global section 214 authority under section 63.18(e)(1) of the Commission's Rules, 47 CFR § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate section 214 application pursuant to section 63.18(e)(3) of the Commission's Rules. See 47 CFR § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the Office of International Affairs, Telecommunications and Analysis Division at (202) 418-1480.